

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v.-

RADHAMES CONCEPCION-SANTOS,
a/k/a "Thomas Torres,"
a/k/a "Tomas Torres," and
JOSE ABREU,

Defendants.

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INDICTMENT

11 Cr.

11 CRIM 245

COUNT ONE

(Conspiracy to Commit Access Device Fraud)

The Grand Jury charges:

1. From in or about October 2010, through on or about January 10, 2011, in the Southern District of New York and elsewhere, RADHAMES CONCEPCION-SANTOS and JOSE ABREU, the defendants, and others known and unknown, unlawfully, willfully, and knowingly, did combine, conspire, confederate, and agree, together and with each other, to violate Title 18, United States Code, Sections 1029(a)(2) and 1029(a)(5).

2. It was a part and an object of the conspiracy that RADHAMES CONCEPCION-SANTOS and JOSE ABREU, the defendants, and others known and unknown, knowingly, and with intent to defraud, would and did traffic in and use one and more unauthorized access devices during a one-year period, and by such conduct obtain things of value aggregating \$1,000 and more during that period,

in an offense that affected interstate and foreign commerce.

3. It was further a part and an object of the conspiracy that RADHAMES CONCEPCION-SANTOS and JOSE ABREU, the defendants, knowingly, and with intent to defraud, would and did effect transactions, with one and more access devices issued to another person or persons, to receive payment and other things of value during a one-year period the aggregate value of which was equal to or greater than \$1,000, in an offense that affected interstate and foreign commerce.

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, was committed in the Southern District of New York and elsewhere:

a. On or about December 21, 2010, RADHAMES CONCEPCION-SANTOS, the defendant, bought items at a Target retail store in the Bronx, using a credit card in the name of another person, who did not authorize the purchase or the issuance of the credit card.

b. On or about December 21, 2010, JOSE ABREU, the defendant, bought items at a Target retail store in the Bronx, using a credit card in the name of another person, who did not authorize the purchase or the issuance of the credit card.

(Title 18, United States Code, Section 1029(b)(2).)

COUNT TWO

(Access Device Fraud)

The Grand Jury further charges:

4. From in or about October 2010, through on or about January 10, 2011, in the Southern District of New York and elsewhere, RADHAMES CONCEPCION-SANTOS, the defendant, knowingly, and with intent to defraud, effected transactions, with access devices issued to another person or persons, to receive payment and other things of value during a one year period the aggregate value of which exceeded \$1,000, in an offense that affected interstate and foreign commerce, to wit, CONCEPCION-SANTOS purchased items at retail stores with credit cards issued in other people's names.

(Title 18, United States Code, Sections 1029(a)(5).)

COUNT THREE

(Bank Fraud)

The Grand Jury further charges:

5. From in or about October 2010, through on or about January 10, 2011, in the Southern District of New York and elsewhere, RADHAMES CONCEPCION-SANTOS, the defendant, unlawfully and knowingly did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation ("FDIC"), and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the

custody and control of, a financial institution, by means of false and fraudulent pretenses, representations and promises, to wit, CONCEPCION-SANTOS submitted fraudulent credit card applications to Chase Bank and used fraudulently obtained credit cards to make purchases and obtain money.

(Title 18, United States Code, Section 1344.)

COUNT FOUR

(Aggravated Identity Theft)

The Grand Jury further charges:

9. From in or about October 2010, through on or about January 10, 2011, in the Southern District of New York and elsewhere, RADHAMES CONCEPCION-SANTOS, the defendant, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, CONCEPCION-SANTOS possessed, used and transferred names and other personal identifying information of other persons, without lawful authority, during and in relation to the offenses charged in Counts One, Two and Three of this Indictment.

(Title 18, United States Code, Sections 1028A.)

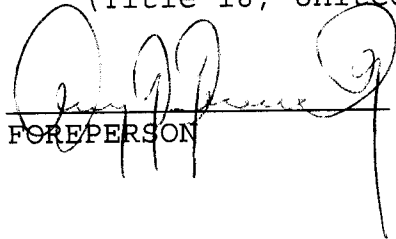
FORFEITURE ALLEGATION


(As to Counts One through Four)

10. As a result of committing one or more of the bank

fraud, aggravated identity theft and access device fraud offenses alleged in Counts One through Four of this Indictment, RADHAMES CONCEPCION-SANTOS, a/k/a "Thomas Torres," a/k/a "Tomas Torres," and JOSE ABREU, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2), all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to at least approximately \$52,961 in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the offenses.

(Title 18, United States Code, Sections 982, 1344, 1029.)


FOREPERSON


PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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18 U.S.C. §§ 1344, 1029 (a)(2), 1029
(a)(5), 1029(b)(2), 1028A.

PREET BHARARA

United States Attorney.

A TRUE BILL


Foreperson.

3-16-11 Filed Indictment. Case assigned to J. Presky
wls
Peck
U.S.M.J.